

# In the Indiana Supreme Court

IN THE MATTER OF                    )  
LOCAL RULES                        )  
FOR COURTS OF RECORD IN        )  
RUSH COUNTY                        )

## **NOTICE OF PROPOSED LOCAL RULE AMENDMENTS AND REQUEST FOR SUPREME COURT APPROVAL**

The judges of the courts of record of Rush County have met and reviewed the 2008 weighted caseload statistics of the courts of record, which review reveals that the difference in utilization between any two courts of record does not exceed .40 based on the 2008 Weighted Caseload Report, and related local court rules.

Accordingly, the judges of the courts of record have decided to: 1) re-adopt their local rule pertaining to caseload allocation as required by Administrative Rule 1, which local rule had previously been published for public comment as required by Trial Rule 81 and which has been approved by the Supreme Court; and 2) to amend their local rules concerning the transfer and reassignment of cases in criminal cases and the selection of special judges in civil cases; and request the Supreme Court to approve the re-adoption of the local caseload allocation rule and the amendments to their local court rules concerning the transfer and reassignment of cases in criminal cases and the selection of special judges in civil cases.

Comments may be submitted until September 7, 2009 to:

Judge Brian D. Hill, Rush Superior Court, 101 East Second Street, Rushville, IN 46173  
or by email at: [superiorcourt@rushcounty.in.gov](mailto:superiorcourt@rushcounty.in.gov).

Submitted this 6<sup>th</sup> day of August, 2009.

For the Courts of Record of Rush County

\_\_\_\_\_/S/\_\_\_\_\_  
David E. Northam, Judge, Rush Circuit Court

#### Rule LR70 – CR13-2 Transfer

A Judge of Rush Circuit or Rush Superior Court by appropriate order entered in the Record of Judgment Orders may transfer and reassign to ~~any~~ the other court of record within the county with jurisdiction to hear the charged offense in any pending case, ~~including cases of the refusal of the Rush County Judge~~, subject to acceptance by the receiving court.

#### Rule LR70 – CR13-4 Reassignment

~~The following individuals have agreed to serve in the event it becomes necessary to reassign a Felony or Misdemeanor case in Rush Circuit or Rush Superior Court: The Honorable John Westhafer, Honorable Warren Michael Wilke, Honorable Stephen Cox, Honorable Jack Tandy, Honorable Russell J. Sanders and Honorable Charles D. O'Connor, Jr. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6-10 temporarily transfers the above Judges to the Rush Circuit or Rush County Court for purposes of reassignment of Felony or Misdemeanor cases.~~

~~— In the event it becomes necessary to reassign a Felony or Misdemeanor case, the cases will be reassigned in consecutive order to the above noted Judges. Multiple cases may be assigned to one judge if the cases are related.~~

In the event a change of judge is granted or a judge is disqualified or recuses in either Rush Circuit or Rush Superior Court, the case shall be reassigned first to the other sitting judge within the county and then to a special judge who shall be selected randomly from a list of eligible judges from the contiguous counties that shall be maintained by the clerk of the courts. Multiple cases may be assigned to one judge if the cases are related.

#### Rule LR70 – TR79-3 Special Judge Selection in Civil Cases Pursuant to TR 79C

In the event that the Judge of the Rush Circuit or Superior Court recuses himself in a case, ~~the Judge of the Rush Circuit Court shall serve as Special Judge. In the event the Judge of the Rush Circuit Court recuses himself in a case, the Judge of the Rush Superior Court shall serve as Special Judge in that case.~~ a special judge shall be selected by agreement of the parties in accordance with TR 79 (D) and (E). Failing to select a special judge pursuant to TR 79(D) and (E), a special judge shall be selected randomly from a list of eligible judges from within the administrative district that shall be maintained by the clerk of the courts.

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